IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1405 OF 2002

M/s.Volant Textile Limited .. Petitioner

v/s.

The Assistant Provident Fund
Commissioner, Solapur & ors. .. Respondents

Mr.V.P.Vaidya for the petitioner.

Ms.Preetam Tendulkar i/by Mr.M.S.Karnik for respndent No.1.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 15th April, 2005

P.C.

Mr.V.P.Vaidya, the learned counsel for the petitioner submits that the petitioner has already preferred statutory appeal under section 7(i) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and now since the Appellate Tribunal has been constituted, the petitioner may be permitted to withdraw this writ petition. He, however, prays for continuation of the ad-interim order dated 13.3.2002 to enable the petitioner to apply for interim/ad-interim relief before the Appellate Tribunal.

2. Since the petitioner has already preferred appeal and is pursuing the alternative remedy, the prayer of the learned counsel for withdrawal of the writ petition is reasonable.

3. Writ petition is, accordingly, allowed to be withdrawn.

4. The ad-interim order dated 13.3.2002 shall remain operative for two weeks to enable the petitioner to apply for interim/ad-interim relief to the Appellate Tribunal. We make it clear that no further extension for continuing the ad-interim order shall be granted by this court.

(R.M.LODHA, J.)

(R.S. MOHITE, J.)